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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,498	09/19/2003	Frederick James Diggle III	BE1-0030US	8960
49584	7590	05/09/2005	EXAMINER	
LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201			GRANT, ALVIN J	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,498

Applicant(s)

DIGGLE ET AL.

Examiner

Alvin J Grant

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 21-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-3, 6, 13 and 21-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Erm '327.

Erm discloses a hand tool comprising: a socket body, the socket body including a first socket (24) defining a first cavity at a first end of the socket body and a second socket (25) defining a second cavity at a second end of the socket body the first cavity being independent of, and separated from, the second cavity by non-hollow core (as indicated by hash marks), and a shaft arm (21) connected to the socket body; the shaft arm is connected perpendicular to a longitudinal axis of the socket body (Fig. 2); the socket body is cylindrical (Figs. 2b and 2c); the first cavity defines a first opening for receiving a first fastener to be turned by the tool, and the second cavity defines a second opening for receiving a second fastener to be turned by the tool, wherein the size of the first opening does not equal the size of the second opening (Fig. 2); and the shaft arm is fixedly connected to the socket body such that the shaft arm extends radially from the shaft body (Fig. 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 4, 5, 9 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Erm in view of Gibson '387.
5. Erm is described above. **Referring to claims 4 and 5**, Erm does not specifically disclose a multi-sided key shaft arm or a hexagonal shaped shaft arm. Gibson discloses a multi-sided key shaft arm that is hexagonal so as to provide the capability of engaging the head of fasteners having female hexagonal-shaped slots. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wrench of Erm to have an hexagonal-shaped handle as taught by Gibson so as to provide the capability of engaging the head of fasteners having female hexagonal-shaped slots.
6. **Referring to claim 9**, Erm does not specifically disclose that the shaft arm is welded to socket body. Gibson discloses that the shaft arm may be welded to the socket body so as to ensure that the wrench will provide the torsional forces required without adversely impacting the structural integrity of the (welded) joint. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have welded the shaft arm and socket body of Erm's wrench together as taught by

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Gibson so as to ensure that the wrench will provide the torsional forces required without adversely impacting the structural integrity of the (welded) joint.

7. **Referring to claim 12**, Erm does not specifically disclose that the shaft arm is cast to the socket body. Gibson discloses that the shaft arm may be cast to the socket body so as to ensure a consistency in the strength of all elements of the wrench. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have cast together the shaft arm and socket body of Erm's wrench as taught by Gibson so as to ensure a consistency in the strength of all elements of the wrench.

8. **Claims 7 and 8**, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Erm in view of Frawley '961.

Erm is described above. **Referring to claim 7**, Erm does not specifically disclose that the first socket is detachably connected to the socket body. Frawley discloses a wrench wherein the socket is detachably connected to the socket body so as to permit the use of additional sockets of varying sizes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the first socket of Erm detachable from the socket body as taught by Frawley so as to permit the use of additional sockets of varying sizes.

9. **Referring to claim 8**, Erm does not specifically disclose a self-forming socket.

Frawley discloses a self-forming socket so as to effectively encompass the workpiece.

It would have been obvious to one having ordinary skill in the art at the time the

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invention was made to have made the socket of Erm to be self-forming as taught by Frawley so as to effectively encompass the workpiece.

10. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Erm in view of Gibson and in further view of Rowe '543.

Erm as modified is described above. The modified Erm does not specifically disclose the shaft arm being disposed in an opening defined in the socket body. Rowe discloses a wrench in which the shaft arm is disposed in an opening defined in the socket body so as to provide the capability of changing the length and hence the torque that can be applied by the tool. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wrench of Erm to have the shaft arm disposed in an opening in the socket body as taught by Rowe so as to provide the capability of changing the length and hence the torque that can be applied by the tool.

11. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Erm and Gibson in view of Rowe and in further view of Yu '452.

Erm as modified is described above. The modified Erm does not specifically show the shaft arm being disposed around the socket body. Yu discloses a tool wherein the shaft arm is disposed around the socket body so as to provide the capability of varying the length of socket body thus enhancing the tools maneuverability in deep workspaces. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wrench of the modified Erm to have the shaft arm disposed around the socket body so as to provide the capability of varying the length of socket body thus enhancing the tools maneuverability in deep workspaces.

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12. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over Erm in view of Rowe '543.

Erm is described above. Erm does not specifically show the shaft arm being connected at the longitudinal center of the socket body. Rowe discloses a wrench wherein the shaft arm is connected at the longitudinal center of the socket body so as to establish consistency in the depth to which of the socket body on either side of the shaft arm may be extended in the workspace. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wrench of Erm to have the shaft arm connected at the longitudinal center of the socket body as taught by Rowe so as to establish consistency in the depth to which of the socket body on either side of the shaft arm may be extended in the workspace.

13. **Claims 15 and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Erm in view of Rowe and in further view of Gibson '387.

Erm as modified is described above. **Referring to claim 15**, the modified Erm does not specifically show a multi-sided key shaft arm. Gibson discloses a multi-sided key shaft arm so as to provide the capability of engaging the head of fasteners having female multi-sided slots. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wrench of Erm to have a multi-sided key shaft arm as taught by Gibson so as to provide the capability of engaging the head of fasteners having female multi-sided slots.

14. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Erm and Rowe in view of Gibson and in further view of Frawley '961.

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Erm as modified is described above. The modified Erm does not specifically show at least one of the sockets being detachable. Frawley discloses a wrench wherein the socket is detachably connected to the socket body so as to permit the use of additional sockets of varying sizes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the first socket of Erm detachable from the socket body as taught by Frawley so as to permit the use of additional sockets of varying sizes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (571) 272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alvin J Grant
Patent Examiner
Art Unit 3723

ajg

A handwritten signature in black ink, appearing to read "Alvin J. Grant", is positioned below the typed name and title.